

AMENDED IN SENATE AUGUST 17, 2010  
AMENDED IN SENATE JUNE 1, 2010  
AMENDED IN ASSEMBLY JANUARY 25, 2010  
AMENDED IN ASSEMBLY JANUARY 4, 2010  
AMENDED IN ASSEMBLY APRIL 22, 2009  
AMENDED IN ASSEMBLY APRIL 16, 2009  
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 498**

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**Introduced by Assembly Member Hayashi  
(Coauthor: Assembly Member Lieu)**

February 24, 2009

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An act to amend Section ~~5068~~ 5101.5 of the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 498, as amended, Hayashi. Vehicles: special interest license plates and ~~decals~~. *decals: former American prisoners of war (POWs).*

Existing law authorizes private organizations, including veterans' organizations, to participate in special interest license plate programs in which the Department of Motor Vehicles issues license plates with a participating organization's distinctive design or decal, and specifies the various fees concerning the issuance, renewal, registration, and replacement of damaged or unserviceable plates and decals. Existing law permits an eligible person who is a former American prisoner of war to apply for ~~special~~ *specially designed* license plates for his or her vehicle *that include distinctive lettering indicating "POW" and*

“Ex-Prisoner of War” and generally exempts that vehicle from registration and vehicle license fees (VLF).

*This bill would additionally require the department, in consultation with the Department of Veterans Affairs and veterans’ service organizations, to design and make available for issuance a special environmental design license plate for former American prisoners of war who prefer not to have their former status as a “POW” or “Ex-Prisoner of War” identified by words or other markings or symbols. The bill would require specified design criteria for these special interest license plates.*

~~This bill would authorize a former American prisoner of war (POW) who is otherwise eligible for a special license plate as a former POW to apply for a veterans’ organization special interest license plate and decal, would exempt that former POW from the payment of specified fees under these provisions, and would authorize the surviving spouse of that former POW to retain the special interest license plate and decal subject to specified conditions. The bill would also extend the exemption from the payment of those fees until the death of the surviving spouse.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature finds and declares all of the
- 2     following:
- 3     (a) The State of California recognizes the tremendous sacrifices
- 4     made by former American prisoners of war (POWs) and the special
- 5     significance these veterans hold in American military history. The
- 6     Department of Veterans Affairs is the agency tasked to serve
- 7     California’s veterans and their families by providing advocacy
- 8     and to facilitate access to numerous benefits and services available
- 9     to veterans, which includes, among other things, certain categories
- 10    of veterans’ license plates issued by the Department of Motor
- 11    Vehicles.
- 12    (b) Although ex-POWs are extremely proud of their great
- 13    sacrifice to the war effort, it is with deep respect and understanding
- 14    that the Legislature acknowledges that due to the experience of
- 15    being held captive, there are ex-POWs that appreciate the vehicle
- 16    registration fee exemption provided in the Vehicle Code in
- 17    recognition of their service, but for personal reasons, would prefer

1 *not to have their ex-POW status displayed on their vehicle license*  
2 *plates.*

3 *(c) To this end, the Legislature declares that the Department of*  
4 *Motor Vehicles, in consultation with the Department of Veterans*  
5 *Affairs and veterans' service organizations, shall design and make*  
6 *available for issuance pursuant to Article 8.5 (commencing with*  
7 *Section 5100) of Chapter 1 of Division 3 of the Vehicle Code, an*  
8 *optional environmental license plate or decal for former American*  
9 *prisoners of war who prefer not to have their former status as*  
10 *ex-POWs identified by words or other markings or symbols.*

11 *SEC. 2. Section 5101.5 of the Vehicle Code is amended to read:*

12 *5101.5. (a) A person otherwise eligible under this article who*  
13 *is a former American prisoner of war may apply for special license*  
14 *plates for the vehicle under this article. The special license plates*  
15 *assigned to the vehicle shall run in a separate numerical series and*  
16 *contain a replica design of the American Prisoner of War Medal*  
17 *followed by the letters "POW" and four numbers. The special*  
18 *license plates issued under this subdivision also shall contain the*  
19 *following words: "Ex-Prisoner of War." The department shall,*  
20 *pursuant to this article, reserve and issue the special license plates*  
21 *provided for by this section only to persons who show by*  
22 *satisfactory proof former prisoner-of-war status. A person*  
23 *otherwise issued license plates within this series pursuant to this*  
24 *article prior to January 1, 1982, may retain them.*

25 *(b) Notwithstanding subdivision (a), the department, in*  
26 *consultation with the Department of Veterans Affairs and veterans'*  
27 *service organizations, shall design and make available for issuance*  
28 *pursuant to this article a special environmental design license*  
29 *plate for former American prisoners of war who prefer not to have*  
30 *their former status as a "POW" or "Ex-Prisoner of War" identified*  
31 *by words or other markings or symbols. This section is not intended*  
32 *to prohibit individuals eligible for the special license plate from*  
33 *selecting the existing license plate design specified in subdivision*  
34 *(a). The design criteria for a special interest license plate pursuant*  
35 *to this subdivision are as follows:*

36 *(1) The license plate for a passenger vehicle, commercial*  
37 *vehicle, or trailer shall provide a space not larger than two inches*  
38 *by three inches to the left of the numerical series and a space not*  
39 *larger than five-eighths of an inch in height below the numerical*  
40 *series for a distinctive design, decal, or descriptive message as*

1 *authorized by this subdivision. The license plates shall be issued*  
2 *in sequential numerical order or, pursuant to Section 5103, in a*  
3 *combination of numbers or letters.*

4 (2) *The license plate shall not identify “POW” or “Ex-Prisoner*  
5 *of War” by words or other markings or symbols.*

6 ~~(b)~~

7 (c) Special license plates may be issued pursuant to subdivision  
8 (a) only for a vehicle owned or coowned by a former American  
9 prisoner of war.

10 ~~(e)~~

11 (d) Upon the death of a person issued the special license plates  
12 pursuant to this section, his or her surviving spouse may retain the  
13 special license plates subject to the conditions set forth in this  
14 section. If there is no surviving spouse, the special license plates  
15 shall be returned to the department either within 60 days following  
16 that death, or upon the expiration date of the vehicle registration,  
17 whichever date occurs first. However, in the absence of a surviving  
18 spouse, a member of the former prisoner of war’s family may  
19 retain one of the special license plates as a family heirloom, subject  
20 to the conditions set forth in subdivision-~~(h)~~ (i), upon submitting  
21 an affidavit to the department agreeing not to attempt to use the  
22 special license plates for vehicle registration purposes.

23 ~~(d)~~

24 (e) If a surviving spouse who has elected to retain the special  
25 license plates as authorized under subdivision-~~(e)~~ (d) dies while  
26 in possession of the special license plates, the special license plates  
27 shall be returned to the department either within 60 days following  
28 that death, or upon the expiration date of the vehicle registration,  
29 whichever date occurs first. However, a member of the former  
30 prisoner of war’s family may retain one of the special license plates  
31 as a family heirloom, subject to the conditions set forth in  
32 subdivision-~~(h)~~ (i), upon submitting an affidavit to the department  
33 agreeing not to attempt to use the special license plates for vehicle  
34 registration purposes.

35 ~~(e)~~

36 (f) A vehicle exempted from fees by Section 9105 and by  
37 Section 10783 of the Revenue and Taxation Code shall lose the  
38 exemption upon the death of the former American prisoner of war,  
39 except that if a surviving spouse elects to retain the special license  
40 plates as authorized under subdivision-~~(e)~~ (d), the exemption

1 pursuant to Section 9105, and Section 10783.2 of the Revenue and  
2 Taxation Code, shall extend until the death of that spouse.

3 (f)

4 (g) Sections 5106 and 5108 do not apply to this section.

5 (g)

6 (h) The department shall recall all former prisoner-of-war special  
7 license plates issued pursuant to this section prior to January 1,  
8 1999, and shall issue to the holder of those special license plates,  
9 without charge, the revised special license plates authorized by  
10 this section.

11 (h)

12 (i) The special license plates issued under this section are not  
13 valid for use for vehicle registration purposes or for the purposes  
14 of Section 9105 or Section 10783 or 10783.2 of the Revenue and  
15 Taxation Code by a person other than the person issued the special  
16 license plates under subdivision (a) and the surviving spouse of  
17 that person.

18 (i)

19 (j) For the purposes of this section, “family” means  
20 grandparents, stepgrandparents, parents, stepparents, siblings,  
21 stepsiblings, children, and stepchildren of the person issued the  
22 special license plates under subdivision (a).

23 SECTION 1. Section 5068 of the Vehicle Code is amended to  
24 read:

25 5068. (a) (1) A veterans’ organization may apply either  
26 individually or with other veterans’ organizations to meet the  
27 application threshold set forth in Section 5060 for special interest  
28 plates. An organization that meets the minimum application  
29 requirement by applying with other organizations under this  
30 subdivision shall be issued a regular license plate bearing a  
31 distinctive design or decal approved under subdivision (a) of  
32 Section 5060.

33 (2) Special interest plates issued under this section may be issued  
34 in a combination of numbers or letters, or both, requested by the  
35 owner or lessee of the vehicle, to be displayed in addition to the  
36 design or decal authorized under paragraph (1), subject to Section  
37 5105.

38 (b) In addition to the regular fees for an original registration, a  
39 renewal of registration, or a transfer of registration, the following

~~fees shall be paid by individuals applying for a veterans' organization special interest license plate or decal:~~

~~(1) Thirty dollars (\$30) for the initial issuance of the plates and decals. The plates shall be permanent and may not be required to be replaced.~~

~~(2) Thirty dollars (\$30) for each renewal of registration that includes the continued display of the plates or decals.~~

~~(3) Fifteen dollars (\$15) for transfer of the plates to another vehicle.~~

~~(4) Thirty-five dollars (\$35) for replacement plates, if they become damaged or unserviceable.~~

~~(5) Ten dollars (\$10) for replacement decals, if they become damaged or unserviceable.~~

~~(6) Forty dollars (\$40) for the personalization of the plates, as authorized under paragraph (2) of subdivision (a).~~

~~(e) A former American prisoner of war who is otherwise eligible for a special license plate pursuant to Section 5101.5 may apply for a veterans' organization special interest license plate and decal in lieu of the special license plate issued pursuant to Section 5101.5 and shall be exempt from the payment of fees pursuant to subdivision (a) of Section 9105, the fees required under subdivision (b), and the license fee pursuant to subdivision (a) of Section 10783 of the Revenue and Taxation Code. The surviving spouse of the former American prisoner of war may retain the special interest license plate and decal issued under this section and is subject to the conditions set forth in Section 5101.5. The exemptions from fees provided in this subdivision shall extend until the death of the surviving spouse.~~